S. HRG. 101-992

NATIONAL SENIOR OLYMPICS GAMES

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

AUTHORIZE CONTINUATION OF NATIONAL SENIOR OLYMPICS GAMES AND THE USE OF THE TRADEMARK "NATIONAL SENIOR OLYMPICS"

JUNE 22, 1990

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NATIONAL SENIOR OLYMPICS GAMES

FRIDAY, JUNE 22, 1990

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION,
Washington, D.C.

The Committee met, pursuant to notice, at 9.51 a.m., in room SR-253, Russell Senate Office Building, Hon. Richard H. Bryan, presiding.

Staff members assigned to this hearing: Moses Boyd and Linda Lance, staff counsels; and Sherman Joyce, minority staff counsel.

OPENING STATEMENT BY SENATOR BRYAN

Senator BRYAN. This is a time set for a hearing to obtain information on legislation introduced by Senator Danforth that would authorize the U.S. National Senior Sport Organization to use the word "Olympic" as part of its national event, involving athletic competition among the Nation's seniors.

I might just preface my comments this morning by apologizing to each of you for the lateness in the hearing's convening. As I think you may have been previously advised, we did have a vote this morning, and Senator Pressler and I just returned from the floor. So we will try to move this along, recognizing that you may have some travel arrangements or connections.

Currently, the United States Olympic Committee has the sole authority over the use of the word "Olympic" for commercial and promotional purposes. This authority is provided under the Amateur Sports Act of 1978.

I think no one would disagree that the promotion of athletic competition among senior citizens is a noble cause and an objective which all of us would fully support and endorse. Athletic competition breeds good health and physical fitness and should be encouraged.

It is certainly admirable to see so many of our Nation's seniors participating in athletic games and competition and performing feats that many of us, even in our younger years, would never have dreamed of.

I might say, parenthetically, in my own State of Nevada, I have, for the past several years, been attending those events and participating in the opening ceremonies, and I have recently become eligible for participation.

So I suppose there are some advantages as the clock moves on.

Indeed, athletic competition generally encourages the important attributes of physical endurance, mental tenacity and personal courage, which are the basis for the achievements of American athletes in world competition. I must say that there is no greater feeling of national pride than watching on our television screens every four years as American Olympic athletes give their best not only for themselves but for the country. It is important to acknowledge and recognize that the United States Olympic Committee has indeed done a fine job in

supporting our American athletes in world competition and promoting athletics throughout the country.

I understand that the two groups present today have taken different approaches with respect to this legislation, and the purpose of this hearing is to give each of you an opportunity to set forth your views on this legislation, so that we can build a record before taking the appropriate action.

Before yielding to the witnesses, we have been joined by our colleague and an active Member of the Committee, Senator Larry Pressler.

I will defer to him for any opening statement that he might care to make.

Senator PRESSLER. Mr. Chairman, I thank you for calling this hearing. I think we should move on this matter very expeditiously. I want to hear from the witnesses here today.

Thank you very much.

Senator BRYAN. Thank you very much, Senator Pressler.

We will begin our hearing this morning with our first witness, Dr. Harvey Schiller. Dr. Schiller is the Executive Director of the United States Olympic Committee.

STATEMENT OF HARVEY SCHILLER, EXECUTIVE DIRECTOR, U.S. OLYMPIC COMMITTEE, COLORADO SPRINGS, CO

Dr. SCHILLER. Good morning, sir.

Thank you very much.

Mr. Chairman and Members of the Subcommittee, I am Dr. Harvey Schiller, Executive Director of the U.S. Olympic Committee.

With me are Bob Mathias, two-time Olympic decathlon champion and former Member of Congress; Olympic swimming gold medalist, Mary T. Meagher of Louisville, Kentucky; and Kirk Bauer, Executive Director of National Handicapped Sports, a Vietnam Veteran, amputee, and former member of the U.S. Disabled Ski Team.

They and counsel are here to answer any questions you might have.

Senator BRYAN. If I might be permitted to interrupt, Dr. Schiller, the Committee has provided a copy of the testimony by Ms. Meagher and of Dr. Bauer. For the record, we will, if there is no objection, make their statements a part of the record in these proceedings.

Dr. SCHILLER. Thank you very much, sir.

Senator BRYAN. You may proceed.

Dr. SCHILLER. I appreciate the opportunity to express the view of the United States Olympic Committee on the proposed legislation before the Committee. When Congress passed the Amateur Sports Act of 1978, it charged the USOC with the total responsibility for coordinating the Olympic Movement in this country.

It was also part of our mandate to promote and support physical fitness by encouraging developmental programs in a variety of sports and providing new programs—at all levels—to all who share the Olympic dream.

Congress also gave the USOC exclusive rights to the words "Olympic" and "Olympiad," as well as to the Olympic-related marks in this country. That exclusivity has been a cornerstone in the USOC's ability to raise funds for our programs and has been supported by the U.S. Supreme Court.

The positive contribution of the Amateur Sports Act was to create a better competitive environment for our Nation's able-bodied and disabled athletes who seek success in sport. The USOC has instituted many new programs and initiatives, and the American people and our corporate sponsors have responded with strong support for the U.S. Olympic Committee.

In 1976, the USOC budget was only $12 million for four years; today, it is $273 million, as we prepare for the 1992 Olympic Games.

We have been able to build solid financial footing largely due to the committee's ability to control and authorize the exclusive use of Olympic terminology to sponsors. We have always been extremely cautious about the proliferation of the Olympic terminology and symbols, as they are the principal tools the USOC has to raise money.

Unlike other ongoing sporting events, such as Major League Baseball's World Series, or the National Football League's Super Bowl, the Olympics are held once every four years. We must rely on the exclusivity of the term "Olympic" and all that is associated with it in order to distinguish our programs from the myriad of other sporting organizations seeking funding.

Therefore, while we fully support the goals and purpose of the National Senior Sports Organization, the USOC opposes S. 2398 and S. 2399 for the following reasons.

One. granting "Olympic" terminology by statute to any other organization without USOC control, no matter how deserving, will dilute the present and future value of any unique USOC commercial or fund raising relationship. As a result, the USOC will be less able to fulfill the Amateur Sports Act and support our athletes in the best way we can.

Two. passage of S. 2398 and S. 2399 would open the door for other organizations to infringe on our rights, which would further diminish, and possibly destroy, the value of Olympic terminology to raise funds for U.S. athletes.

Three. the 41 USOC member national sports governing bodies, the 15 multi-sport organizations and eight member disabled sports organizations train our aspiring athletes every day. None of these bodies has the rights to Olympic terminology. It would thus be unfair to grant the USNSSO the rights which have not been granted to others.

Four. organizing committees in U.S. cities are not permitted by the USOC to use any Olympic terminology unless chosen as the host city for future Olympic games by the International Olympic Committee, or IOC.

While we support the NSSO and have, in fact, welcomed it as a member of the USOC, providing it with funding, the U.S. Olympic Committee believes that S. 2398 and S. 2399 would severely impair the intent of the Amateur Sports Act of 1978 and have a detrimental effect on the fund raising ability of the United States Olympic Committee.

We believe that by granting "Olympic" terminology to any other group, no matter how deserving, this legislation will dilute the present and future value of any unique USOC commercial or fund-raising relationship.

The United States Olympic Committee recognizes the need to embrace America's senior athletes, and it is thus our firm desire to continue to work with the NSSO to come to a mutually agreeable solution to this issue without resorting to the legislative process.

We believe that enactment of this legislation would open a "Pandora's Box," which would ultimately destroy the integrity of the U.S. Olympic Movement and result in severe financial hardship for athletic programs.

There is no question that the right to use the Olympic name has enormous value and prestige. However, let's not enact legislation which will be detrimental to the development of athletic opportunities in America.

Mr. Chairman, we are concerned with the health and welfare of all Americans day to day through our sports bodies. I believe we can work out a satisfactory solution to this problem.

Thank you.

Senator BRYAN. Thank you very much, Dr. Schiller.

Mr. Mathias, it is a pleasure to have you before the Committee this morning.

STATEMENT OF HON. ROBERT B. MATHIAS, FORMER U.S. REPRESENTATIVE FROM CALIFORNIA AND U.S. GOLD MEDAL OLYMPIC CHAMPION

Mr. MATHIAS. Thank you very much, Mr. Chairman.

Some years ago, I had the opportunity to spend eight educational and glorious years on the other side of the street, on the House side. It is always nice to come back to the Halls of Congress.

Olympic athletes endure years of self-sacrifice, dedication and financial hardship for the privilege of representing their country in the Olympics. As a former Olympian—and I might mention, Mr. Chairman, you were too young, probably, when I did my stuff.

Senator BRYAN. Oh, I only wish that were the case. It was in 1948 and 1952, as I remember.

Mr. MATHIAS. I won the Decathlon in London in 1948 and in Helsinki in 1952. Yes.

Senator BRYAN. I remember that well. You are a southern California man, as I understand it, San Joaquin Valley.

Mr. MATHIAS. That's right.

Senator BRYAN. My wife is from that area, too.

Mr. MATHIAS. Then she must be okay.

Because of my Olympic experience, I really place a very high value on the meaning of the term "Olympic athlete," and would really hate to see its value diminished by granting non- Olympic-related organizations the right to use the terminology and symbols associated with the Olympic games.

I believe that only by preserving the exclusive rights granted to the U.S. Olympic Committee, done by Congress in the Amateur Sports Act of 1978, regarding Olympic terminology and symbols, can the integrity of the athletes who won medals in Olympic competition be protected, and our ability to raise needed funds to support our athletes be protected also.

In attempting to gain the right to use the name "Olympics," in order to promote athletic competition for senior citizens, the National Senior Sports Organization seeks equal status with two other activities which have USOC- approved use of this title. These are the Special Olympics and the Junior Olympics.

However, there are tremendous fundamental differences among the Special and Junior Olympics and the NSSO.

The Special Olympics have had a close relationship with the U.S. Olympic Committee since 1967, and the Special Olympics are directed by a USOC member organization which fulfills a mandate of the Amateur Sports Act. They have no statutory grant of rights. And, unlike the NSSO, the Junior Olympic events are developmental programs for potential Olympic athletes.

In addition, the Junior Olympics are wholly owned by the USOC, which administers Junior Olympic programs through member organizations. The USNSSO cannot share this responsibility or designation.

As someone who would likely be eligible on the basis of age—and I'll be 60 this coming November; so I think I qualify.

Ms. CONANT. You do.

Mr. MATHIAS. I do? Thanks.

Ms. CONANT. We'll let you in.

Mr. MATHIAS. I'd like to do that, by the way.

Ms. CONANT. Good.

Mr. MATHIAS. I am certainly not implying that athletic competitions for senior citizens are not worthwhile. That is quite to the contrary.

Senior citizens should have full access to the resources and athletic facilities throughout the United States, and I find it perfectly logical for "senior games,"golden age games," whatever they choose to call themselves, to be supported by the USOC. But I also strongly feel that by granting the USNSSO the right to use Olympic terminology, it would do a tremendous disservice to past, present, and future Olympic athletes and to the ability of the U.S. Olympic Committee to carry out its mission while supporting our fine Olympic athletes.

Thank you, Mr. Chairman.

Senator BRYAN. Thank you very much, Mr. Mathias.

Ms. Conant, do you I pronounce your name correctly?

Ms. CONANT. Yes, Senator.

Senator BRYAN. We would be delighted to hear from you

STATEMENT OF ELLEN CONANT, BOARD MEMBER AND PRESIDENT, U.S. NATIONAL SENIOR SPORT ORGANIZATION, CHESTERFIELD, MO; ACCOMPANIED BY KEN MARSHALL, CO-FOUNDER AND FORMER PRESIDENT

Ms. CONANT. Thank you very much, Mr. Chairman.

Good morning and thank you, Mr. Chairman and Senator Pressler, for your kind consideration to fit us into your busy schedule by holding this hearing so that we could appear before the Senate Commerce Committee.

I am Ellen Conant, Board Member and President of the U.S. National Senior Sports Organization, hereafter referred to as "USNSSO." I am here on behalf of senior sports and the senior athletes who compete in senior games throughout the country.

I brought with me today Ken Marshall, Phil Mulkey, and Colonel (Retired) Tom Schaefer. Ken Marshall is the Co- founder of the USNSSO and its first President. Phil Mulkey is a former United States Olympian decathlete and a winner of gold medals in our National Games. Colonel Tom Schaefer is a former Iranian hostage and a winner of gold and silver medals in the Arizona State Games.

We are here today to support and ask your prompt consideration of S. 2398 and S. 2399, changing the Amateur Sports Act.

Mr. Chairman, I would appreciate it if I could have Mr. Marshall, Mr. Mulkey and Colonel Schaefer speak very briefly to this issue.

I had asked Mr. Marshall to come up and speak very shortly, if that would be possible, and the two others who are here with me today.

Senator BRYAN. Ms. Conant, we generally try to accommodate everybody, but this was, as you know, squeezed in today, and because of time constraints, I don't think that is possible.

I will, however, make it possible for them to leave any kind of statement, either today or subsequent to this hearing, that they would like to have made a part of the record. If there is a question that comes up that you would like to have them respond to, I certainly would want to extend that courtesy to them.

Ms. CONANT. Senator, my statement was really prepared by Mr. Marshall. Is there a possibility that he could give it?

That is what we thought we were having on this hearing. We thought it would be myself and Mr. Marshall who were going to be allowed to speak.

Senator BRYAN. Let me check with the staff to see what the understanding was. We certainly do not mean to disadvantage you, but I can tell you—and Mr.

Mathias knows this as a former Member of Congress—once the panel is set, we do not simply expand to additional members because of the difficulty of fitting into the time constraints. But if you have been disadvantaged in some way, please let us know.

Ms. CONANT. We have a very short testimony. It's very short testimony, Senator. [Pause]

Senator BRYAN. Ms. Conant, if you have requested that Mr. Marshall give the statement, unless there is objection on the part of the Committee, I have no objection to that. We are not trying to get people hung up on a lot of technical rules here, but we do try to observe procedure.

Ms. CONANT. I understand.

Senator BRYAN. So if Mr. Marshall is here and wants to give that statement, we will allow it.

Ms. CONANT. Thank you very much, Mr. Chairman. We appreciate it.

Senator BRYAN. You're quite welcome.

Senator PRESSLER. Mr. Chairman, I'm going to have to excuse myself. I am traveling today and I have to start my marathon. I am not an Olympian, but I am a marathoner today.

Senator BRYAN. Well, it is my understanding that this is an even-numbered year, and you may be seeking a gold medal in your own life this year. So I think we all understand the nature of that.

Thank you very much, Senator, for joining us.

Mr. Marshall, we will hear from you now if that is your pleasure.

Ms. CONANT. Thank you very much, Senator.

Senator BRYAN. You're quite welcome.

Mr. MARSHALL. Thank you very much. I appreciate your making that possible. Mr. Chairman, the word "Olympic" has great meaning. Those who are Olympians have a very special feeling. They are at a point in time the best of the best.

Senior Olympic Games provide an opportunity to recognize senior athletes and to inspire other seniors to participate in athletics and strive for excellence.

Multi-sport senior games began in 1969. There are now more than 70 of these local games, and many use the title, "Senior Olympics."

In 1987, and again in 1989, National Senior Olympics were held in St. Louis. In 1991, they will be in Syracuse, New York. These games are for men and women age 55 and older, competing in five year age divisions. The oldest division is now 85-plus. We can all aspire to that.

Thirty-six hundred athletes competed in 15 sports at the 1989 nationals. More than 100,000 athletes are now competing at the many local games. Many thousands of senior athletes have been recognized as "Senior Olympians" since 1969.

After the 1987 national games, the Olympic Committee advised the USNSSO that it should not use the term "Senior Olympics" any longer. The USNSSO then turned to Congress, in the fall of 1987 and 1988, for support and assistance in securing use of "Senior Olympics."

On June 15, 1988, the President of the Olympic Committee responded to a letter from Senator Melcher, dated March 29, 1988, signed by 18 Senators, including four Senators on the Commerce Committee. Those letters, and others to which we refer, will be entered into the record.

That letter from President Helmick committed the Olympic Committee to select an organization to be a member of the U.S. Olympic Committee responsible for senior, multi-sport competition. Implementing this commitment, the Olympic Committee, on August 17, 1988, in a formal call for proposals,

specifically stated that the organization selected would have authority to use, and I quote, "'Senior Olympics' within its title and all the titles of regional and national events which it sanctions."

By letter dated November 14, shortly after that, in 1988, the Olympic Committee advised the USNSSO that it was the organization selected. But, in that award notification, the USOC reversed its stated position, saying that the Olympic Committee did not approve continuation of the use of "Olympics" with this program.

As required by that award, the USNSSO has changed its organization name and the name of the 1991 national competition, eliminating "Olympics."

Mr. Chairman, we are here today to ask your support for these Senate bills. Senior Olympics and its many thousands of men and women participants continue to view as crucial that seniors have the recognition that has been accorded to athletes in the Junior Olympics and in the Special Olympics.

If I may add one other word to that on behalf of Mr. Mulkey, who is here, who is a former Olympian, his point of view—and this will show in his statement—is very clear that he believes what he achieved on the Olympic Team and the recognition that came with that is something that he has and that cannot be taken away. On the other hand, he also believes, as a competitor in senior games and as a competitor at the last 1989 national games where he won medals, that he also achieved something and was recognized as a "Senior Olympian." He thinks it is very important that at that point in life people have that same opportunity.

Thank you.

[The statement follows:]

STATEMENT OF ELLEN COANT, BOARD MEMBER AND PRESIDENT, U.S. NATIONAL SENIOR SPORTS ORGANIZATION

Good morning and thank you, Mr. chairman, for your kind consideration to fit us into your busy schedule by holding this hearing so that we could appear before the Senate Commerce Committee. I am Ellen Conant, Board Member and President of the U.S. National Senior Sports Organization, hereafter referred to as the USNSO. I am here on behalf of senior sports and the senior athletes who compete in senior games throughout the country. I am accompanied by Hen Marshall, Phil Mulkey and Col. Tom Schaefer. Ken Marshall is the co-founder of the USNSO and its first President. He was also the President of the Local Organizing Committee which staged the first and second National Games in 1987 and 1989. Phil Mulkey is a former United States Olympian and a winner of gold medals in our National Games. Col. Tom Schaefer is a former Iranian hostage and a winner of gold and silver medals in the Arizona State Games..

WE are here today to support and ask you prompt consideration of Senate Bill 2399 and Senate Bill 2399, changing the Amateur Sport Act. Until just recently these games, both national and local, have generally been referred to as Senior Olympic Games. This type of senior multi-sport competition began in southern California in 1969. It grew to many communities throughout the united States by word of mouth and grass roots interest. There was no national organization, no tax support and no person or organization making it grow. Seniors asked for and in many cases were the ones who organized these competitions.

The games are for men and women 55 years of age and older competing in many different sports in five-year age brackets up to 85 years and older. The organizing groups can be found in the administrative offices of State Governors, cities, Parks and Recreation Departments or private not-for-profit agencies.

Many of these local games use the words "Senior Olympics" in their title and in reference to their games and have done so since they were established.

These local games grew in number and size. In the early 1980's conversation began concerning the creation of a national competition at which the best athletes could compete with their peers from other parts of the country. In response to this desire a volunteer group in St. Louis created in 1985 the USNSO, and received support from all the local games to stage a national competition in 1987. Those games were referred to as the U.S.

National Senior Olympics. Seniors were aware that in addition to the members of the united States Olympic Team there were competitions in this country titled Junior Olympics, Special Olympics and Explorer Olympics and they wanted the same recognition.

Following the first national games in June, 1987, in St. Louis, Missouri, the USNSO and the U.S. Olympic Committee talked regarding the use of the word "Olympic". Thereafter the USOC notified

the USNSO it should not use the term "Senior Olympics" any longer. The USNSO sought support in Congress from Senator Melcher and his Special Committee on Aging, and Congressman Claude Pepper and his Select Committee on Aging. In 1988 Senator Melcher and Congressman Pepper sent a letter to the USOC requesting the USOC to meet with the USNSO and resolve the discussion regarding the use of the term "Olympics". This letter was signed by eighteen Senators, including Senators Inouye, Hollings, Pressler and Danforth, all Senate Commerce Committee members.

As a result of those letters to the USOC, Senator Melcher and Congressman Pepper received a commitment from the USOC that the USOC would select the proper organization to run a senior multi-sport program and that this would be done in the Fall of 1988. On August 17, 1988, the USOC issued a call for proposals to select the Group S member to be responsible for senior multi-sport activities.

The call for proposals indicated that the USOC would allow the 1989 "uS. National Senior Olympics" to proceed and further stated "that only that organization which is selected for this function would have the authority to use "Senior Olympic(s)" within its title and all the titles of regional and national events which it sanctions".

The USNSO submitted a proposal, met with the selection committee for review of its proposal and in November the USNSO received a letter from the USOC, notifying the USNSO that it had been selected to be the Group S member responsible for senior multi-sport competition. However, the letter went on to indicate, notwithstanding the terms of the call for proposals, that the USOC did not approve continuation of the use of "Olympic(s)" in association with this program.

Since that time the USNSO has become a Group a member of the USOC and has changed its organizational name and has revised the name of the National competition to "U.S. National Senior Sports Classic". Nonetheless, the seniors who compete in the local games throughout the united States and the 4000 who compete in the national games continue to express their desire to be Senior Olympians and so we have again returned to Congress to gain this deserved recognition for seniors.

Our desire is not to change the name of our national organization—only to secure the Olympic designation for our seniors. Throughout the country over 100,000 senior athletes compete at the local and national level. Some local competitions have had to change their names and have been prevented from using the word "Olympics". It is our hope to give all senior athletes this honored recognition as Senior Olympians that they have strived to achieve.

Our goals are consistent with and support the Nation's interest in promoting the health and vitality of senior citizens. The mission of the USNSO is to recognize seniors over the age of 55 who are athletes and to stimulate interest in more seniors becoming both recreational and competitive athletes. The USNSO and its many thousands of participants continue to view as crucial that seniors have the recognition that has been accorded to participants in the Junior Olympics, Explorer Olympics and Special Olympics.

We ask, Mr. Chairman, that you and your committee support Senate Bills 2398 and 2399. Thank You very much.

Senator BRYAN. Mr. Marshall, let me begin the questioning with you, if I may. Would you one more time—and you did include it in your oral testimony, but I was distracted for a moment—would you recite just briefly the chronology of events as it relates to the correspondence you are sharing with us.

As I understand it you do want to make that correspondence, or copies thereof, a part of the record. They will be included by reference and retained in the subcommittee files.

But if you would, very briefly, please go through that for me one more time, to make sure I have it clearly in mind.

Mr. MARSHALL. On March 29, 1988, Senator Melcher, in a letter signed by 18 Senators, including four on the Commerce Committee, wrote the Olympic Committee, seeking their action or activity relative to the senior games and the name.

Senator BRYAN. What year was that?

Mr. MARSHALL. That was 1988, March 29, 1988.

President Helmick of the Olympic Committee responded on June 15, 1988, saying that they would take action, that they would select an organization to be responsible for multi- senior sports, and stating that that organization would have the right to use the term "Senior Olympics."

The Olympic Committee then issued a call for proposals on August 17, following up on President Helmick's letter.

Between August 17 and November 14, the Olympic Committee—this, again, is 1988—received proposals and selected the USNSSO as that designated organization to become a member of the Olympic Committee responsible for multi- senior sports.

Senator BRYAN. Did they do that by some official notification in writing?

Mr. MARSHALL. Yes.

They sent us a letter dated November 14, 1988, telling us of the award to our organization. It was in that letter that they said that the USOC "did not approve continuation of the use of 'Olympics' with this program," which, of course, had been stated. In their call for proposals, they said it would be; and then, in their award, they reversed their position.

Senator BRYAN. Now, from your perspective, Mr. Marshall, was there anything during the course of that correspondence that indicated that there was going to be, at least from your perception, a change in attitude as to the use of the name itself, or did that come as a surprise to you?

Mr. MARSHALL. That came as a surprise to us.

Senator BRYAN. Dr. Schiller, I think what the last thing in the world we want here is to get Congress involved in everything in the world and to resolve every kind of dispute. On the other hand, no one quarrels with the legitimacy of the Olympic Committee and its role. You have done a fine job, and all of us are enthralled when that quadrennial event arise.

On the other hand, the Senior Olympics is something that a number of us also have enjoyed and we recognize its importance.

Can you respond? Does Mr. Marshall recite the record correctly? It does seem to appear—though I have not read the correspondence—that they were led to believe last year that they would receive approval

Dr. SCHILLER. Yes, sir. I would like to ask our counselor to help me and assist me in the terminology here.

Senator BRYAN. Well, we don't want to be too technical on that.

Dr. SCHILLER. Basically, the committee did decide not to allow use of the word "Olympic."

Senator BRYAN. Let me just make sure that I have the record, and then I will give you the opportunity to fully respond.

Insofar as you know, there was a sequence of correspondence, the exact dates of which obviously you may not recall. But the thrust of what Mr. Marshall has said is that there was an invitation for proposals, that the clear import of that is there would be a group that would be selected and would be accorded the right to use the name "Senior Olympics;" that after the competition or the review of those who submitted, a decision was made that NSSO would get the award, but they could not use the name.

Is that accurate, or is that something that I fail to understand?

Dr. SCHILLER. Yes, sir. But we have to look at the commercial interpretations, as well as reflective of requirements of the International Olympic Committee's Charter as regards safeguarding Olympic terminology—not just here but around the world.

So there were other considerations in that regard.

The senior games did become a member organization of the United States Olympic Committee. They elected to do that. After they received that notification, they elected to do that.

Since that time, we have made some remuneration back to the organization to cover some expenses that were incurred by the organization by mutual agreement.

In addition, we have had an ongoing dialogue with the organization and, as late as just a week ago, we have offered Olympic terminology to this organization. We have been working very, very hard to complete that.

Senator BRYAN. Now it is not my purpose to berate you, the committee, Mr. Mathias, or anybody else who is here in the room. But I have to say, casting aside the fact that I once practiced a little law, it seems like these folks were kind of led to believe that if they competed in this invitation that you arranged, somehow they would be accorded that right.

Now this is the first time I have heard that, so there may be more to the story. But at least that is the impression I get. And then, not impugning your motives or the motives of your organization, it does seem that you changed course at some point in time, after the invitation went out. Is that true?

Dr. SCHILLER. Well, as you said, there are other considerations. One of the considerations is the commercial impact and the intent of the organization as regards the Olympic terminology. Really, that is the main thing that is at issue here.

We have offered Olympic terminology to the organization. We have offered some financial assistance. We have offered technical expertise, in terms of administration. But what we have to respect is the use of the Olympic terminology for commercial purposes.

We are willing to work with the group to insure that we do not have conflicting sponsorships and so forth.

Really, that is the only outstanding issue as I know it today.

Senator BRYAN. When you say that you have offered them—I don't mean "you" personally, but the association—that the association has offered them the use of Olympic terminology, what does that mean? Can you be more specific?

Dr. SCHILLER. Yes, sir.

In our most recent correspondence, dated June 18, 1990, we have offered the title "1990"—whatever particular date—"U.S. National Senior Sports Classic, the Senior Olympics."

Senator BRYAN. Let me ask those of you on the other side of the table this question.

We are obviously not going to be able to negotiate this thing in the context of this hearing. Mr. Mathias I am sure has sat through many, many more hearings than I.

This is a new experience to me, Mr. Mathias. I only came here a year or so ago.

Do I take it that this is not acceptable?

Ms. CONANT. That is acceptable to us, but there are many other strings with it. That one part is acceptable. But there are a number of other things that have to do with restrictions on a lot of our activity. Also there were some things that are acceptable, like being members of our board and things like that. But that is not the whole picture.

That terminology would be acceptable to us——

Senator BRYAN. The terminology would. Okay.

Ms. CONANT.—it would be acceptable to us if we could work out some of the other restrictions. But there are a number of restrictions that are involved here.

Senator BRYAN. Okay.

Is there a sense at all—if I could bounce this ball back to you, Mr. Schiller—is there a sense that there may be some movement as to those restrictions? Is there some flexibility there, some negotiating room? I don't ask you to reveal your bottom line here in the hearing, but is dialogue continuing there or are we at an impasse?

Dr. SCHILLER. Oh, yes, the dialogue has continued. We have been talking to their counsel and we have travelled to St. Louis to meet with their group, and they have travelled to Colorado Springs to meet with us.

We felt, and we still feel, that there can be accommodation and an understanding as a member organization, without legislation. And we are willing to continue working. We are all on the same page. Our goals are the same. We are all trying to accomplish the same thing.

Senator BRYAN. Ms. Conant, you look like you want to weigh in here.

Mr. Mathias is kind of right in the middle of your groups here.

Ms. CONANT. Senator, I wanted to reinforce that.

Of course we are willing to discuss this, and I hope we can move toward some solution.

I guess, in fairness to Dr. Schiller, a number of the people in the executive part of the USOC have changed since earlier times. But, of course, for us, since we went in good faith to present our case and that did not work out when it went back to the USOC Committee, they ruled against our using the name.

Well, I have to tell you that we are a little nervous about a written letter that just says let's discuss using this terminology, because that is really what it says.

Senator BRYAN. I understand. I think I am kind of seeing the picture here.

Sometimes you get a change in the lineup, and if you are not in the huddle when the signal is called, you may be moving on a different play. I can understand that.

Dr. Schiller obviously has a board that is involved in the decision-making process.

So, again, we are not being critical of you or the committee, Dr. Schiller, but we would like to see this thing resolved. It looks to me like there may be a possibility to do so.

Mr. Mathias, I have not meant to cut you out of the colloquy here. But, as a former Member of the Congress, I am sure you are not shy about advancing a position. Have we said anything that you disagree with or would you care to embellish upon any of the points that have been made by Mr. Marshall, Dr. Schiller or Ms. Conant?

Mr. MATHIAS. Mr. Chairman, the only thing I can say is the only thing constant in life is change. We all change.

I am not an official of the U.S. Olympic Committee. I am a former Olympic athlete. All my life I have been involved in physical fitness for young people. I have helped Olympic athletes out. Recently, I had the opportunity to travel with a guy named Dave Johnson, who, last week, set the American record in the Decathlon—8,600 points. He beat Bruce Jenner's American record. So we finally have a potential Olympic decathlon athlete.

I was Chairman of the National Fitness Foundation, dealing with senior citizens and so forth. I think both groups here have the same desire. They want to see people active, whether it is young people, middle aged people, or senior citizens.

The word "Olympic" is a special word. It cannot be bantered around, just like the title "U.S. Senator." You only get that title by winning it. The same is true for Olympic athletes. You only get that title by making the team.

So I think the word "Olympic" is a very special word. We all have to be careful about its use.

So I would hope something can be worked out here.

Senator BRYAN. I don't think anybody would quarrel with that general proposition.

Senator Danforth, who is the sponsor of this legislation, joins us now. I am sure he has been briefed by his staff.

Senator, I am not as familiar with this as you are because of your involvement.

But there has been acceptance, at least as I understand it—and you have a far better background on this than I—by Ms. Conant and Mr. Marshall of the compromise language which the Olympic Committee is prepared to authorize in its use. Apparently there are—and I don't want to do violence to what Ms. Conant indicated in her testimony—but there are some conditions, some contingencies, attached to that usage, and there are some of those conditions that give them some difficulty.

It is my understanding and both seem to acknowledge that ongoing discussions and colloquy are occurring, so that they are not at impasse, but that they have not resolved the issue.

Is that a fair characterization, Ms. Conant? I do not want to do violence to what you have said.

Ms. CONANT. Yes, I think it is a fair characterization. I guess the other issue is will the Olympic Committee, other than Dr. Schiller and Mr. Gowen, with whom we have been in conversation, will they even approve what has been stated.

Mr. Mathias is talking from the point of view of the Olympians. A lot of the Olympians were a group of people who did not want to see the "Senior Olympics" name used. So I think we have to understand that that is still ahead of us.

Senator BRYAN. Yes. Sure.

Dr. Schiller.

Dr. SCHILLER. Sir, in response to the statement about would the U.S. Olympic Committee's board act favorably in terms of the proposition made, the answer to that is yes. I have discussed this with our board.

We had excellent discussions ongoing, and feel that we can come to a satisfactory agreement on this.

There has been reference made to two other organizations, the Junior Olympics and to the Special Olympics, both member organizations, through our members, of the U.S. Olympic Committee. There are restrictions in terms of the use of Olympic terminology with both organizations.

We need to understand that the Special Olympics, in fact, is in the main a philanthropic organization, as opposed to commercial sponsorships.

Again, the thing that seems to be hanging out there are the things such as commercial endorsements, and so on. Those are what we need to resolve.

Senator BRYAN. I understand that, Dr. Schiller, and I understand that athletes and athletics today are more permeated than ever before with commercial implications, in terms of their activities. I think some of us wish that that were not so. In Mr. Mathias' prime, it was much less so than it is today. But it is a changing world. I recognize that. We are probably not going to unwind the hands of time that have moved forward.

Senator Danforth, let me defer to you, if I may, or do you need a few more minutes.

Senator DANFORTH. No, I'm fine, Mr. Chairman. I am sorry that I was not able to be here until now, but I had something else that I just had to do.

Senator BRYAN. We may have made some progress. I'm not sure. You will be the judge of that after you question the witnesses yourself.

Senator DANFORTH. Let me ask Mr. Marshall and Ms. Conant about the negotiations.

It is my understanding that there has been a long effort by your group to work with the U.S. Olympic Committee and to gain permission to use the name "Olympics." And this is something that has gone on now for a matter of days or

weeks, but rather it has been a long process. My understanding is that it has been exceptionally slow going and that, in effect, it has been just a long "no" on the part of the Olympic Committee.

Am I wrong in that?

Ms. CONANT. Why don't you speak to that because you spoke to it in the testimony.

Mr. MARSHALL. It certainly has been a long time. It starts back in the fall of 1987, after the 1987 games. That is certainly a long period of time when there have been discussions.

In the period of 1988, as we mentioned, we thought we had concluded the situation when there was an offer to allow "Senior Olympics" to be used by the chosen organization, which was then withdrawn.

So at one point we thought we were home. But we are not.

So today we do not have that authority to use that term. Discussions started again several months ago, I guess.

Senator DANFORTH. May I ask this question, Mr. Marshall? I am sure it is a very stupid question, but aren't there really only two answers that are possible—yes or no—to the request to use the Olympic name?

Mr. MARSHALL. In 1988, it was yes; then it became no. In a formal proposal it was yes, the organization can use the term "Senior Olympics." Then, when the award was made, it was no.

Senator DANFORTH. My point is that you are not negotiating, say, a strategic arms agreement or something that requires scientists to gather and debate about verification procedures and the like. You are asking for permission to use the name "Senior Olympics," right?

Mr. MARSHALL. Yes.

Senator DANFORTH. And this is something that the reasonable person could respond to with a yes or no in a period of seconds, and not days or weeks, right?

Mr. MARSHALL. Yes.

Senator DANFORTH. It would seem to me that one way to attempt to forestall action by Congress is to say that we are in the process of negotiating something, and then he negotiations, which have been going on since the fall of 1987, could continue for a few more years.

To give you no answer, to just let the thing drag on, is kind of a long way of saying no, isn't it?

Ms. CONANT. I believe that.

Senator DANFORTH. You believe that, Ms. Conant?

Ms. CONANT. I believe that unless we had something that was, as you say, a yes answer, you know, we have been trying since 1987 to get this designation. Well, the seniors, since 1969, have had this designation, until we were told by the Olympic Committee that we could not use it anymore.

We have been trying to get it from them since 1987. What we do get is a lot of letters saying let's negotiate; but we do not get that definitive, "yes," answer.

Senator DANFORTH. I know, and you have been in elective politics, I think both of us know that one way to handle a situation is to just stall it out. For those who want action, the only appropriate answer that really helps you is yes, you may use it. One way to tell people "no" and to hope that they will like it is just to send them a lot of mail and engage in a lot of discussions and let the thing go on and on and on; and then come to a Senate Committee and announce well, we are in the process of negotiations and these things can't be rushed.

Would that comport with your experience in life?

Ms. CONANT. Well, we have had a lot of faxes right now, as we are getting closer to the hearing today.

I think that we are hearing from them, but I don't have anything definitive at all to report, Senator. You know, it has been "suggested" in the letters.

Senator DANFORTH. My feeling is if Congress did nothing on this on the representation that negotiations were going forward, we would be duped. Would you agree with that?

Ms. CONANT. We certainly are worried about that, Senator, very much so. It happened once before.

Senator DANFORTH. Well, I think that that is the effect of it. I think it is silly to say that the negotiations are going forward. I think that the answer is not one that takes a long time to give, if you want to give it. If you want to be absolutely straightforward, you can either say yes or no. You know: will you let us use the name? Yes? No?

Is there some very complex middle ground that somehow could be worked out if reams of material could be generated? Or is the answer to your question yes or no?

Ms. CONANT. Well, I think at this point what we have is "yes" for here but "no" without a lot of restrictions. That is not a "yes" answer to me because the restrictions are such that it takes away from the "yes" answer, and that is what we have at the moment.

Senator DANFORTH. It is kind of a yes, but we have our fingers crossed answer. Would you characterize it as that?

Ms. CONANT. Or yes but we aren't sold with that yes, yet.

Senator DANFORTH. Let me just ask one other line of questions, if I may.

I have had the privilege of attending and being at the opening ceremonies of the Senior Olympics. Several years ago, I remember Bowie Kuhn was there to give the opening speech. I cannot remember what year that was.

Ms. CONANT. I believe it was 1987.

Senator DANFORTH. It was in 1987?

Ms. CONANT. Yes, Senator.

Senator DANFORTH. It was an extraordinarily impressive event, Mr. Chairman.

Maybe you did this earlier in your testimony, but I would like to ask you, for my benefit, to describe the Senior Olympics. How many participants are there, where do they come from, what do they do, what kind of effort do they put on, what types of people are involved?

Just give us a good description of the nature of this enterprise. How much involvement does it take on the part of citizens who are trying to help it?

Then, finally, in your answer include to what extent could an average person be reasonably confused between the Senior Olympics and the Olympics that are covered on television every four years?

Mr. MARSHALL. Well, you certainly couldn't be confused if you looked at us. That is for sure.

Senator DANFORTH. Why not, Mr. Marshall? Could you just spell that out. Why is this different from the real Olympics? Why, in your opinion, could the average person not confuse the two?

Mr. MARSHALL. Let me characterize a few of our demographics to give you a sense of it, using the recent, 1989 national games.

There were 3,600 athletes. My memory says they were from 46 or 47 states, age 55 and up; 30 percent of them were age 70 and up; 40-some percent—my memory says 43 percent—were women.

So that is sort of just a profile.

Many of these people, most of them perhaps, are retired. A few of them are people with a lifetime of athletic history. We know from asking questions this

last time that over half of them were competing in a sport that they had taken up since age 50. So these are not lifelong committed people. There are those who were there before, but many of them have recently taken up the sport.

They come from all walks of life. It is not possible to stratify them economically or in any other way. They pay their own way to come.

Now you don't go to the National Senior Olympics by holding up your hand and saying I want to go. You have to qualify at local and regional games. There were at that time about 52 qualifying sites for the 1991 games. We are up to over 70.

And so, you compete at those local games.

Over 100,000 people compete at those local games, and the best of them become qualified to go to the nationals. We qualified last time about 12,000 people and 3,600 of them came. There are all kinds of reasons why they might not.

They pay their own way. They stayed for just under an average of six days at that national competition. They had a great time both competing, being part of the event, winning a medal when they could. They all walked around with their medals hung around their neck as they won them. And, of course, they were socializing with the friends they made there and the friends that came.

Many communities raised funds to send them. I remember that the Louisiana group, in particular, came up in two buses. The buses were provided by some local sponsor.

So those who do not have enough money to do that find ways of people sponsoring them, and you see it on their tee shirts as they wander around advertising the local bank or whatever it may be that helped them to come.

We look, of course, different than the younger athletes. We compete in the same kinds of sports. They competed, in 1989, in 15 different sports, obviously including track, field, and swimming; also there were horseshoes, distance runs, 10k runs, and long race walks, cycling, and just the usual range of sports.

We had two team sports, softball and volleyball. So there are team sports with the seniors.

But they are seniors. We look like seniors. We do not come in fancy uniforms. We come in uniforms that are simpler, and often different. We have good feelings, and certainly they come there as individuals to compete.

We had some interesting press coverage of the 1989 games that really caught some of the spirit of it. I remember a couple of statements. One of them was that you didn't see losers ranting and raving and complaining and protesting and all that. It is a lot better to win; but it was awfully good to be there and be part of it and prove that you could compete with the best of the seniors in this country in your five- year age division.

Another phase of that was just the enthusiasm and recovery, the ability to look like you are a senior—and I'm talking about the 60s, 70s, and 80s. I think our oldest competitor was 93 years of age. That person ran the 200 and 400 meter run. He ran it well, but not like a younger person.

They just look and act differently. They are respected differently.

We run the oldest age division first, not the youngest. The people really get worked up, cheering, and the press gets more interested in the senior seniors rather than the younger seniors.

I think some of the coverage reflected that.

I remember the line that Kathleen Sullivan, who was then with ABC used, which is, "It is performance that some can envy, but all will admire."

So it's just a different kind of competition. We talk about it differently, we look different, and we are what we are.

Senator DANFORTH. Now have you been personally participating in the so-called discussions with the U.S. Olympic Committee since November of 1987?

Mr. MARSHALL. In earlier times, but not in the most recent times.

Senator DANFORTH. Have you, Ms. Conant?

Ms. CONANT. Yes, I have.

Senator DANFORTH. How much of an effort has that been? Has it just been, you know, an occasional letter, or have you applied yourself to this effort to have permission to use the name?

Ms. CONANT. After the disappointment, after we were chosen as the organization for senior multi-sports in the country by the USOC and asked to become a B Member of the USOC, with that designation, we were not given the designation of the word "Olympics" after it had been promised to us.

Since that time, we have been asking to have that designation for us. There never was a time that the USNSSO was not going to try to get that designation for the seniors.

We have with us today Colonel Schaefer, and Colonel Schaefer was talking to us last night about how important that designation is.

He is a medal winner, a gold medal winner from Arizona. He expressed how important that was, how important was that word. I give credit to the USOC in that they have made that word, that terminology, that word "Olympics", that have made that word very, very important. It's very important.

So when a senior wins an Olympic medal, that is very, very important. And in the seniors' minds, that is something that to them is very special in their competition. Colonel Schaefer was saying that he had talked to a number of his fellow people who were out there in Arizona competing for that Olympic medal.

So yes, we have been talking to them. It was never, ever not on our mind to pursue this.

Although we accepted, which we thought was correct, the award that they had given us to be a member, we also told many of the people who were on the USOC that we would not stop trying to get that Olympic terminology back.

We went along with what their lawyers had told us, which was to change our organization, and we don't have any desire to change our organization back. We are the U.S. Senior Sport Organization. What we are asking for is for the word to be used for the competition.

Senator DANFORTH. Then the lawyers for the U.S. Olympic Committee told you that they wanted you to do—what?

Ms. CONANT. No. We have been talking to them about getting the name back. We did join their organization. But we had told them that we will be continuing to pursue being able to use the word "Olympics."

Senator DANFORTH. I understand that. But I understood you also to say that as a part of your discussions with them, they had told or recommended that your organization do something?

Ms. CONANT. No.

Senator DANFORTH. I missed something there, somehow.

Ms. CONANT. I was saying that we had the USOC that, although we were called the "Olympic" organization before, our organization was called that, that we were not asking for that terminology for our organization. We are now U.S. National Senior Sport Organization. What we are asking for that terminology for is for the competition itself. That is what we are continuing to ask.

You asked are we continuing that. We have been talking to them ever since we got into this discussion.

I have certainly noticed that Mr. Gowen, the counsellor for the USOC, has been spending a great deal more time recently talking to our counsel in St. Louis and trying to offer things to us at that point. But there is nothing that has been given to us in concrete form that we can act on.

Senator DANFORTH. Dr. Schiller and Mr. Mathias, as I did yesterday afternoon, I want to apologize for not giving you all the time that you wanted yesterday. I had to leave after about 15 minutes into our meeting because of a matter that I had to take care of on the floor of the Senate.

Now that these discussions have been going on since 1987, and the simple request of the senior organization is to use the word "Olympic," how long will it take, in your opinion, to negotiate this matter out? Could we put a terminal point on it?

We might be able to report this bill out—I hope we can—at the next markup. But if you could do it yourselves in a short timeframe, perhaps we could not go all the way through the legislative process.

Dr. SCHILLER. Sir, in response to your question, yes, this can be worked out expeditiously. The reference was made that there have been no specific concrete proposals.

We have correspondence as recent as last week which made, as I referred to earlier, the offer of the use of the term "U.S. National Senior Sports Classic, the Senior Olympics." So in answer to your question about the simplicity of getting this done in terms of the title, the answer is yes.

In my view I have the authority to negotiate this from our board, and our board has approved this terminology. We have offered other types of assistance to the organization and will continue to do that.

I agree with you that it does not take, as one says, the ability of a rocket scientist to do this. I have a Ph.D. in Chemistry, and in chemistry we say that the best solution is the simplest solution. I agree with that.

I think this is a very straight-forward, simple solution.

We have certain rights that we have to protect under the law of 1978; that is, for example, the rights of every athlete to compete. We have to insure that every organization protects those rights.

There are other offers where we can help with this particular competition.

Every day of the year our member organizations, be they everything from archery to cycling, swimming to track and field, work with master's programs and senior's programs. We hope that this type of competitive opportunity grows and grows.

As we discussed earlier in this room, we hope it takes on a worldwide significance. I think that is our goal as well.

We have had a recent correspondence, sir, from Mr. Metcalf, a representative of the National Senior Organization, and to quote the letter, which is dated June 19, "The use of USOC or IOC emblems should not be a problem. Other aspects of cooperation have been discussed before and can be discussed again. I very much regret the disruption and inconvenience and hope we continue to work through the issues to a binding resolution."

That can be done.

We are really, really only talking about the commercial aspects, and I believe we can put together a cooperative agreement.

It was stated that the individuals who participate in these types of competitions do not look like the athletes on the field in the Olympic Games. We have had seniors participate in the Olympic games, in sports such as the equestrian competition, archery, swimming, and sailing, and have had medalists from the United States in those particular sports.

But, again, in the particular case of individuals, we are talking about the use of the term "Olympic" with commercial association.

I need to state that, as we allow that to be used, it will be used in conflict with the present sponsorship opportunities. That is really what we are trying to protect. We can establish a sense of cooperation here in the use of those symbols for commercialism. That is the only thing that is outstanding.

Senator DANFORTH. Let me make a suggestion.

We are scheduled to have an Executive Meeting of this Committee next Wednesday morning. At that time, it would be my hope that we could report out this bill.

My suggestion would be that between now—and it is now roughly 11:00 o'clock on Friday morning—and, say, 5:00 o'clock on Tuesday afternoon, the two organizations see if you can reach a mutual accommodation.

Is that possible, do you think, Ms. Conant, or is this a pipe dream?

Ms. CONANT. Well, we can try. I think there are a number of things to work out.

Senator DANFORTH. Why don't you see if you could do your best between now and next Tuesday.

It would be my hope that we could report the bill out if we do not have adequate progress, Mr. Chairman, on Wednesday morning.

I mean, if there is any question that there is more negotiation to be done, let us at least resolve it. This has been discussed now for going on three years, and I think the time has come to just say well, we can either do it to the satisfaction of the Senior Olympics or we can't. We either can resolve it or we can't resolve it. And if you can't resolve it, then I would hope that we would pass the bill in fairly short order, and I believe we can.

If you can resolve it, obviously it is always better to do something by mutual agreement than by legislation.

Senator BRYAN. Do you have a response, Dr. Schiller or Mr. Mathias?

Dr. SCHILLER. The only thing I need to respond is to say that I appreciate your comments, sir, and I believe we can accommodate the desires of both organizations, and we can come to an agreement.

But there are elements of the proposed legislation as regards the commercial use of the "Olympic" terminology that will remain an issue, and if it is in the best interest of the NSSO to carry that to its extreme, then it would be difficult to complete the negotiations by next Tuesday afternoon because, as you suggest, the legislation gives more than the negotiations would.

Senator DANFORTH. Well, we might want to do that. We might disagree with you.

But what I am saying is make us a proposition and if you could communicate with the Committee staff by Tuesday afternoon, both organizations together, and just tell us where you agree and where you disagree, then we can act.

Dr. SCHILLER. We will do that, sir.

Senator BRYAN. I think that is very reasonable.

Senator Danforth, do you have further questions?

Senator DANFORTH. I do not.

Senator BRYAN. Ms. Conant, I take it that is agreeable with you?

Ms. CONANT. It certainly is. We thank you very much.

Senator BRYAN. As I indicated at the outset of this proceeding, it is my hope that you can reach an agreement. You are two worthwhile organizations, committed to goals and objectives that I think all of us could share. Speaking as one Senator, I just hope that you are able to successfully consummate the discussions that have been going on for some period of time and that, as Mark

Twain once said—and my recollection, Senator Danforth, is that he did come from Hannibal, Missouri.

Ms. CONANT. Yes, he did.

Senator BRYAN. Mark Twain said, "Always do what's right. It will please your friends and surprise your critics."

With that, thank you very much.

This Committee will be adjourned.

[Whereupon, at 10:55 a.m., the Committee adjourned to reconvene upon the call of the Chair.]

STATEMENT BY MARY T. MEAGHER

Mr. Chairman and Members of the Subcommittee:

I am Mary T. Meagher, former Olympic swimmer and member of the Board of the Special Olympics International.

In 1979, I set my first world record in the Pan American Games, and I was selected to represent the United States in the 1980 Olympics. Unfortunately, the U.S. boycotted the 1980 Moscow Olympics, and I considered retiring from competitive swimming. What kept me from retiring was that I recognized the magnitude of what it meant to be an Olympic athlete. In continuing to train for the 1984 Los Angeles Olympics, and ultimately competing in those and the 1988 Games, I learned many lessons, not least of which was the meaning of what it is to be an Olympian.

Over the years, Olympians have been revered by the youth of America and society as a whole as people who achieved a unique position in American sports. I was one of those children who looked up to Olympic athletes and was driven to aspire to athletic excellence by their example, and sacrificed much to reach that goal.

Much is expected of an Olympian, even one in retirement. Daily I give hours of my time trying to live up to those ideals. 5.2398 and 5.2399 would give the National Senior Sports Organization the use of the Olympic terminology which has been heretofore reserved for the USOC and its sponsors. This would do harm to the entire Olympic movement in the U.S by diluting what it means to be an Olympic athlete.

I believe that it is important to retain the distinction between truly "Olympic" competitions and those which, while important to the participants and society as a whole, do not truly fit the unique characteristics of the Olympic Games. It is imperative, for the integrity of the Olympics and for all who participate in the Games, that the Olympics be reserved for the USOC.

STATEMENT BY KIRK MARSTON BAUER, J.D. EXECUTIVE DIRECTOR, NATIONAL HANDICAPPED SPORTS

Mr. Chairman and Members of the Subcommittee:

I am Kirk Bauer, Executive Director of National Handicapped Sports (NHS), which provides handicapped persons with the opportunity to participate in organized sporting activities. It is the largest sports organization in the United States serving physically disabled people.

National Handicapped Sports opposes 5.2398 and 5.2399 because we believe that the designation use of the Olympic terminology and symbols should be left solely to the U.S. Olympic Committee. It is our opinion that the USOC should be able to set criterion for events that use Olympic terms, and that the powers and responsibilities granted by Congress to the USOC in the Amateur Sports Act of 1978 be reserved for that organization.

We believe that by granting the registration of the term "Olympics" to any other organization other than the USOC would not only dilute the value of what is the premier athletic event for athletes worldwide, it would lead to the proliferation of other "Olympic" events for a host of other groups seeking to Use the term. Ultimately, our athletes who put many years of hard work and training would have their achievements trivialized.

I agree with Dr. Schiller that passage of 5.2398 and 5.2399 would open the floodgates for other organizations seeking to piggyback on the special distinction of the Olympic terminology and symbols. If Congress allows Senior Olympic Games, why not allow Disabled Olympic Games, Gay Olympic Games, Left-Handed Olympic Games or countless other possibilities? How and where do you draw the line?

As Executive Director of National Handicapped Sports, I can tell you that it would surely be of benefit to my organization to be able to capitalize on the value of the Olympic name and symbols, so it would seem that NHS would have an indirect stake in seeing 5.2398 and S. 2399 become law. But it is our firm belief that passage of these bills would set an unfortunate precedent which would

ultimately lead to an unintended result: the diminished value of what it really means to be an Olympic athlete.

STATEMENT BY JOSEPH T. PRENDERGAST, PRESIDENT, AMERICAN SKI FEDERATION

Dear Chairman Hollings:

The American Ski Federation, which represents alpine and nordic ski areas, ski product manufacturers, U.S. Ski Team, the United States Ski Association, ski instructors, ski patrol, and supports the activities of the United States Olympic Committee opposes S. 2398 or S. 2399. Of course the ski industry favors the concept of a Senior Olympics, and promotes and encourages older Americans to ski. We offer many incentive discount programs to get seniors on the hill.

We oppose 5.2398 and S. 2399 because we do not believe it is appropriate for Congress to interfere in the organizational and office policies of the U.S. Olympic Committee. This is exactly what S. 2398 and S. 2399 propose to do. The U.S. Olympic Committee has carefully drafted rules and criteria which organizations must follow if they are to use the Olympic name and or logo. This is to insure that the high quality and reputation of the Olympic games is preserved. These rules have been well thought out by this representative group and have been in place for a number of years.

The American Ski Federation believes that the U.S. Olympic Committee has done an extremely effective job in maintaining control over activities which are associated with the internationally respected Olympic label. We hope that Congress agrees with us and decides to continue to allow the U.S. Olympic Committee to maintain their authority over all events identified as "Olympic".

S. 2399 addresses the issue of the registration of the trademark "National Senior Olympic Games." This is a technical issue which the office of Trademarks should address, not Congress. For Congress to involve itself with trademarks would become an extremely time consuming, burdensome precedent. The Olympic Committee guards the Olympic name closely and allows "Olympic" to be used in the most special circumstances. The committee has been reasonable and has held requestees to a very high standard in sharing the Olympics name. For example the Olympic Committee has allowed the international sports competition for the handicapped to be called the Special Olympics and has supported their effort to the fullest extent. Currently the Olympic Committee is working closely with the proponents of the Senior Olympic Games to gain a satisfactory solution.

We urge you to oppose this legislation and allow the U.S. Olympic Committee to use its discretion and to make the proper determination. With these comments in mind we hope that you will oppose these two bills.

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